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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,285

10/26/2005

Daniel E. Evanicky

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9085

41066

7590

05/24/2010

MURABITO, HAO & BARNES, LLP  
TWO NORTH MARKET STREET, THIRD FLOOR  
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EXAMINER

ALMEIDA, CORY A

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

05/24/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/519,285	<b>Applicant(s)</b> EVANICKY, DANIEL E.	
	<b>Examiner</b> CORY A. ALMEIDA	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 39-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

**DETAILED ACTION**

Claims 1-38 are cancelled.

Claims 39-58 are pending.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 39-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Shapiro, US-5298892.

3. In regards to claim 46, associated method claim 39 and associated means for claim 52, Reamey discloses a multi-component display (Abstract) comprising a component operable to generate light (Col. 7, 45 – Col. 8, 14); a first display screen (Fig. 4A, 51a) operable to display a first image in a first region of said first display screen, wherein said first region comprises an area less than the entire area of said first display screen (Col. 5, 65 – Col. 6, 16 the panels can display images in regions less than that of the whole display screen), and wherein said first display screen comprises a first plurality of color filters (Col. 2, 25-38); and a second display screen (Fig. 1, 51b) operable to dynamically adjust a second region of said second display screen for modifying said display of said first image in accordance with a parameter (Col. 5, 65 – Col. 6, 16 the second panel is independently addressable and can modify the first image), wherein said first and second display screens overlap (Fig. 4A), and wherein said second display screen comprises a second plurality of color filters (Col. 2, 25-38); and wherein a position of said

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second region of said second display screen is aligned with a position of said first region of said first display screen (Fig. 4A all images/regions would be aligned as the displays are optically stacked) to selectively control an amount of said light associated with said first region (Col. 5, 65 – Col. 6, 16)

4. In regards to claim 47, associated method claim 40, and associated means claim 53, Shapiro discloses said image characteristic is selected from a group consisting of a brightness, a contrast, a color, a hue, a color temperature, and a gamma response (Col. 5, 65 – Col. 6, 16).

5. In regards to method claim 41 and associated means claim 54, Shapiro discloses displaying said image on said first display screen (Col. 2, 25-38).

6. In regards to claim 48, associated method claim 42, and associated means for claim 55, Shapiro disclose said first display screen is further operable to display a second image in a third region of said first display screen, wherein said third region comprises an area less than the entire area of said first display screen (Reamey's panels can display multiple images in multiple regions and areas of the screen), wherein said second display is further operable to adjust a fourth of said second display screen for modifying said second image in accordance with a second image characteristic (Col. 5, 65 – Col. 6, 16), wherein said fourth region of said second display screen corresponds to said third region of said first display screen (Col. 5, 65 – Col. 6, 16, the third and fourth image regions would line up as the displays are stacked and the pixels overlap), wherein said image characteristic and said second image characteristic are different (the panels are capable of displaying different images in different shades, sizes, etc...).

7. In regards to claims 49, associated method claim 43, and associated means for claim 56, Shapiro discloses said second display screen is operable to adjust contrast of said image within

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said region while substantially maintaining net brightness of graphical objects presented by said first and second display screens (Col. 5, 65 – Col. 6, 16).

8. In regards to claim 50, associated method claim 44, and associated means for claim 57, Shapiro discloses said first and second display screens comprise liquid crystal displays (Col. 3, 4-21).

In regards to claim 51, associated method claim 45, and associated means for claim 58, Shapiro discloses a backlight operable to generate said light (Col. 7, 45 – Col. 8, 14).

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 39-58 have been considered but are moot in view of the new ground(s) of rejection as presented above.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CORY A. ALMEIDA whose telephone number is (571) 270-3143. The examiner can normally be reached on Monday through Friday 8AM to 4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin M Nguyen/  
Primary Examiner, Art Unit 2629

/CA/

5/20/2010